

E-FILED ON 10/26/05

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NICOLE MOSS and DISABILITY RIGHTS
ENFORCEMENT EDUCATION
SERVICES:HELPING YOU HELP OTHERS,

Plaintiffs,

v.

TACQUERIA CANCUN and GEE TEE O
L.L.C.,

Defendants.

No. C05-00738 HRL

**ORDER (1) RE DEFENDANTS' FAILURE
TO APPEAR THROUGH COUNSEL AND
(2) SETTING FURTHER CASE
MANAGEMENT CONFERENCE**

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This court held a case management conference on October 18, 2005. Juan M. Vega purported to appear on behalf of the defendants. However, Mr. Vega is not an attorney, and defendants Tacqueria Cancun and Gee Tee O, L.L.C. have not yet retained counsel. **As discussed at the conference, defendants are advised that they may only appear in this action through an attorney.** See Civ. L.R. 3-9(b) ("A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court"); see also *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel") and *In the Matter of George C. Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law").

Defendants are further advised that they retain all of the obligations of a litigant, and their failure to appoint an attorney may lead to an order striking their pleadings or entry of their default. To date, defendants have yet to properly file an answer or other response to the complaint.

The parties shall appear for a further case management conference on **December 13, 2005, 1:30 p.m. in Courtroom 2.** They shall file a joint case management statement no later than **December 6, 2005** advising as to the status of this matter.

Plaintiffs shall serve a copy of this order on the defendants and file a proof of service with the court.

Dated: October 26, 2005

/s/ Howard R. Lloyd

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

5:05-cv-738 Notice will be electronically mailed to:

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